

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0313-01  
Bill No.: HB 72  
Subject: Business and Commerce; Crimes and Punishment; Children and Minors; Health Care  
Type: Original  
Date: January 7, 2013

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Bill Summary: Prohibits any person younger than six years of age from using a tanning device or his or her guardian from allowing the use of a tanning device.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## **FISCAL ANALYSIS**

### **ASSUMPTION**

Officials from the **Office of State Courts Administrator**, the **Department of Insurance**, **Financial Institutions**, and **Professional Registration**, the **Department of Public Safety - Missouri State Highway Patrol**, and the **Office of State Public Defender** assume the proposal will have no fiscal impact on their organizations.

Officials from the **Office of Attorney General** assume any potential costs arising from this proposal can be absorbed with existing resources.

Officials from the **Office of Prosecution Services (OPS)** assume the proposal will have no measurable fiscal impact on the OPS. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs, which are difficult to determine.

**Oversight** assumes the potential responsibilities imposed on county prosecutors as a result of this proposal, will be absorbable within current funding and staffing levels.

Officials from the **Department of Social Services (DSS)** state the proposal would have no fiscal impact on the DSS.

The Children's Division stated that neither the use of a tanning device by a person under the age of six, nor the guardian of a child under the age of six knowingly allowing his or her child to use a tanning device would meet the statutory definition of abuse or neglect as defined in Chapter 210, specifically 210.110, RSMo.

The Division of Youth Services does not anticipate an increase in the number of youth to be served by the agency as a result of criminalizing the use of tanning devices for those young people less than six years of age.

Officials from the **Department of Health and Senior Services (DHSS)** provide the following assumptions:

### **Section 577.665**

The language requires the DHSS, along with law enforcement, to utilize existing resources and personnel to carry out enforcement activities of the proposed law. Currently, the DHSS has no staff responsible for addressing complaints from tanning salons. All environmental health staff

ASSUMPTION (continued)

are working at capacity addressing food/childcare safety and sanitation, lodging, and sewage issues which would not be completed if staff were diverted to enforce the provisions of this legislation. Due to the unknown number of non-compliant tanning facilities or the number of complaints requiring investigation, the number of staff and resources necessary to carry out the duties of the proposed legislation are unknown. The DHSS estimates the impact to be unknown, but less than \$100,000 annually.

**Oversight** notes section 577.665.4 of the proposed legislation states, “The enforcement of the provisions of this section shall be provided by existing personnel and resources of law enforcement and the department of health and senior services.” **Oversight** assumes all costs related to the enforcement of the proposed legislation can be absorbed by existing law enforcement and the DHSS. **Oversight** also assumes if DHSS experiences a measurable increase in costs as a direct result of this proposal, the department may request additional funding through the normal appropriations process.

**Oversight** assumes any increase or decrease in fine or penalty revenues generated cannot be determined. Therefore, the fiscal note does not reflect any fine or penalty revenues for the local school districts.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

This proposal would have a direct fiscal impact on small business tanning facilities if they have clients younger than six years of age using their facilities.

### FISCAL DESCRIPTION

The proposed legislation appears to have no fiscal impact.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

### SOURCES OF INFORMATION

Office of Attorney General  
Office of State Courts Administrator  
Department of Insurance, Financial Institutions, and Professional Registration  
Department of Health and Senior Services  
Department of Social Services -  
    Children's Division  
    Division of Youth Services  
Department of Public Safety -  
    Missouri State Highway Patrol  
Office of Prosecution Services  
Office of State Public Defender



Ross Strobe  
Acting Director  
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